

Appl. No.: 10/524,710

Amdt. Dated August 23, 2006

Response to Office Action Mailed June 23, 2006

## REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application. Applicant traverses and requests reconsideration of both of the rejections of the claims under Section 102(b), and states the following in support.

With respect to the rejections, it is noted that amended independent claim 1 recites in pertinent part that the driver structure comprises (emphasis added):

second projecting *parts* provided on the blade edge *in vicinity of the first projecting parts* and configured to be *in contact with the crown in vicinity of the pair of leg portions* when the pair of leg portions pass through the bundle of papers,

wherein each of the second projecting *parts* has a *corner portion* which *engages with the crown* and is configured to *prevent the corners of the leg portions from slipping toward a central side of the crown*.

The first projecting parts are denoted as parts 7, 7 in Figs. 1-3 and as parts 12, 12 in Fig. 4. There is a set of two of these first projecting parts (7, 7 or 12, 12), disposed to be in contact with each staple corner that is formed between the crown 6 and each of the leg portions 4, 4 for pressing the pair of leg portions 4, 4 perpendicularly (*See Figs. 1-4*). The second projecting parts are denoted as parts 8, 8 in Figs. 1-3 and as parts 13, 13 in Fig. 4. This set of second projecting parts (8, 8 or 13, 13) is provided on the blade edge 2 in the vicinity of the set of first projecting parts (7, 7 or 12, 12), and each of the second projecting parts (8, 8 or 13, 13) is configured to be in contact with the crown 6 in vicinity of the pair of leg portions 4, 4. (*See Figs. 1-4*). Each of the two second projecting parts (8, 8 or 13, 13) has a corner portion that engages with the crown

6 and is configured to prevent the corner of the leg portion 4 from slipping toward the central side of the crown 6. (See corners of second projecting parts 8, 8 in Figs. 1-3 and corners of parts 13, 13 in Fig. 4).

Kuhns Reference. In the Office Action, the examiner appears to view the center projection 68 of Kuhns as the “second projecting parts” of instant claim 1, but clearly projection 68 does not meet the terms of the claim. It appears that the examiner’s reference to numerals 50, 52 might be a mistake, because these numerals relate to the bottom ends 50, 52 of the fastener 22. The examiner appears to view blade edge 54 as “the vicinity” of the “corner portion,” of Kuhns’ second projecting part 68.

The features of claim 1 are not anticipated by Kuhns. First, it is noted that the claim sets forth the plural form of “second projecting parts,” meaning that there are more than one of such parts. Kuhns’ center projection 68 is a single projection, not a pair.

Also, Kuhns’ center projection 68 is not “in the vicinity of the first projecting parts,” but rather, is a narrow crown-pressing member placed in the center of the blade edge 54, and is not in the vicinity of Kuhns’ end-positioned projections 56, 58. Contrary to the terms of claim 1, Kuhns’ projection 68 is not configured to be in contact with the crown “in vicinity of the pair of leg portions.” Rather, Kuhns’ projection 68 is configured to be in contact with the crown 44 at a position “intermediate the ends 46 and 48 of the crown.” (Kuhns, col. 8 lines 48-53 and Figs. 7-8).

Further, Kuhns’ projection 68 does not have a corner portion configured to prevent the corners of the leg portions from slipping toward a central side of the crown. Instead, Kuhns’ projection 68 is positioned to extend into contact with the crown 44 of the fastener 22 intermediate the ends 46 and 48 of the crown 44 to bend the crown 44 to assume the configuration 44B, thus resulting in countersinking of the middle 70 of the crown 44, and in countersinking of the ends 40 and 42 of the legs and of the ends 46 and 48 of the crown into the work pieces. (Kuhns, col. 8 lines 51-65 and Figs. 7-8).

Therefore, it is submitted that the Section 102(b) rejection on the basis of Kuhns should be reconsidered and withdrawn.

Ohmae Reference. Ohmae also fails to disclose or fairly suggest the features set forth in instant claim 1. In the Office Action, Ohmae's first set of projecting parts 17, 19 are identified by the examiner as corresponding to the first projecting parts 7, 7 of the instant application. No adequate identification is made of a second set of projecting parts corresponding to the second projecting parts 8, 8 or 13, 13 of the instant claim. It appears that the examiner considers the center projecting part 18 of Ohmae to be the "second projecting parts" of the instant claim 1.

First, it is noted that the claim sets forth the plural form of "second projecting parts," meaning that there are more than one of such parts. Ohmae's center projection 18 is a single projection, not a pair. Also, Ohmae's center projection 18 is not "in the vicinity of the first projecting parts," but rather is a narrow crown-pressing member placed in the center of the blade edge of the driver 13, and is not in the vicinity of Ohmae's end-positioned projections 17, 19. Contrary to the terms of claim 1, Ohmae's projection 18 is not configured to be in contact with the crown "in vicinity of the pair of leg portions." Rather, Ohmae's projection 18 is configured to be in contact with the crown  $S_5$  at a position in the middle of the driver 13. (Ohmae col. 2 lines 56-60). In fact, Ohmae specifies that:

The width  $W_1$  of the projected portion 18 in the middle is smaller than the interval  $P_1$  between inner sides of both leg portions  $S_3$ ,  $S_4$  of a staple  $S$ .

[P]rojected portion 18 is not in contact with the upper surface of the bends  $S_1$ ,  $S_2$

that are the upper ends of both leg portions  $S_3$ ,  $S_4$  of the staple.

(Ohmae, col. 2 lines 62-67). This is contrary to the terms of claim 1, wherein the set of second projecting parts (8, 8 or 13, 13) is provided *in the vicinity of* the set of first projecting parts (7, 7 or 12, 12), and each of the second projecting parts (8, 8 or 13, 13) is configured to be in contact with the crown 6 *in vicinity of* the pair of leg portions 4, 4. (See Figs. 1-4). Further, Ohmae's projection 18 does not have a corner portion configured to prevent the corners of the leg portions from slipping toward a central side of the crown.

Therefore, it is submitted that the Section 102(b) rejection on the basis of Ohmae should be reconsidered and withdrawn.

Conclusion. It is respectfully submitted that neither of the cited references, and none of the art of record, discloses or renders obvious the specific features of amended claim 1, as explained above.


Given that the amended claims clearly are not rendered unpatentable by the cited references, it is respectfully submitted that the rejections under Section 102(b) should now be withdrawn.

It is respectfully submitted that the application is in condition for prompt allowance and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

Extension Request and Deposit Account Authorization. The Commissioner is hereby authorized to charge any required fees, or credit any overpayment, associated with this communication, including fees for any necessary extension of time under 37 CFR §1.136(a) for filling this communication, which extension is hereby requested, to our Deposit Account No. 50-0305 of Chapman and Cutler LLP.

Respectfully submitted,

By:   
Robert J. Schneider, Reg. No. 27,383

Date: August 23, 2006  
Attorneys for Applicant(s):  
Robert J. Schneider  
CHAPMAN AND CUTLER LLP  
111 West Monroe Street, 16th Floor  
Chicago, Illinois 60603-4080  
Telephone: 312-845-3919

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

Attorney Docket Number: 1716299  
App. Serial No.: 10/524,710  
Date of Facsimile Transmission: August 23, 2006  
Transmitted to Facsimile No.: 1-571-273-8300

I hereby certify that the attached correspondence, namely: Response to Final Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: \_\_\_\_\_

Typed Name of Person Signing this Certificate: Robert J. Schneider

Date of Signature: August 23, 2006